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ABSTRACT

The Los Angeles Community College District needs to develop a written plan for affirmative action and staff development. This report proposes the content of a plan, discusses pertinent legislation, and recommends actions that the district should immediately undertake. It is specifically proposed that the district established an Office of Human Development to administer the plan. In meeting the needs for Affirmative action this office will: establish liaison between faculty, staff and community groups; review the district's personnel procedures; compile district and area statistics for the utilization study required in the plan; and review the admissions and instructional practices. To meet the staff development needs, the office will: organize and coordinate staff development committees; inform all employees of the goals and opportunities for skill training, career and personal development; develop and maintain a staff development resource file; plan, publicize and implement specific staff development programs; and evaluate and report activities and achievements. (Author/SW)

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LOS ANGELES COMMUNITY COLLEGE DISTRICT

MEETING THE NEED FOR HUMAN DEVELOPMENT

Research Report 74-02

A Proposal Submitted To The
Chancellor and the Board of Trustees

JC 740 125

DIVISION OF EDUCATIONAL PLANNING AND DEVELOPMENT

OFFICE OF EDUCATIONAL RESEARCH AND ANALYSIS

FEBRUARY 1974

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ABSTRACT

The Los Angeles Community College District, like other institutions of higher education, needs to develop a written plan for Affirmative Action and Staff Development. This report proposes the content of such a plan, discusses pertinent legislation, and recommends actions that the District should immediately undertake. Specifically, it is proposed that the District establish an Office of Human Development to administer the plan. In meeting the needs for Affirmative Action this Office will: establish liaison between faculty, staff and community groups; review the District's personnel procedures; compile District and area statistics for the utilization study required in the plan; and review the District's admissions and instructional practices. In regard to Staff Development the Office will: organize and coordinate Staff Development committees; inform all employees of the goals and opportunities for skill training, career and personal development; develop and maintain a Staff Development resource file; plan, publicize and implement specific Staff Development programs; devise methods for evaluation; and report activities and achievements. Reporting responsibility of the Office should be directly to the Executive Vice-Chancellor.

- I. Purpose of this Report. The purpose of this report is to delineate the needs for two vital aspects of human development: affirmative action and staff development. The creation of an Office of Human Development is proposed to meet these specific needs.
- II. Definitions. Human development is the lifelong process of each individual fulfilling his or her intellectual, emotional, social, and physical potential. An Affirmative Action and Staff Development Program is the basic means for our District to offer appropriate opportunities for self-development to employees, students, and members of the community.

According to Section 60-2.1 of the Code of Federal Regulations, Title 41, an Affirmative Action program is a set of specific and result-oriented procedures which by design actively and aggressively seek to increase and upgrade the employment of minorities and upgrade the level of employment of women (4).¹ It must be emphasized that this does not mean the setting of rigid quotas, or the hiring or promotion of unqualified or less qualified persons of any affiliation.

Affirmative Action requires the employer to make additional effort to recruit, employ, and promote qualifiable and qualified members of groups formerly excluded, even if that exclusion cannot be traced to particular discriminatory actions on the part of the district. The premise of the Affirmative Action concept is that unless positive action is undertaken to overcome the effects of systemic institutional forms of exclusion and discrimination, a benign neutrality in employment practices will tend to perpetuate the status quo ante indefinitely (5:4).

1 The figures before the colon are the citation numbers in the reference section (Appendix A) at the end of this proposal. The figures following the colon, if they exist, are page numbers in the work cited.

Staff development, which is an integral part of Human Development, stands as a vital necessity of its own right. Staff Development encompasses in-service skill training, career development, and interpersonal relationships improvement.

III. Related Legislation. Several federal laws applicable to educational institutions prohibit discrimination based on race, color, religion, national origin, or sex, in employment and/or all other activities. Since the requirements of these laws would be met by compliance with Executive Orders 11246, 11375 and 4, this report will focus upon those Orders.² Two Executive Orders as explained by the Equal Educational Opportunities Commission (5:3) are now the basis of the legal need for an Affirmative Action program:

- (1) Executive Order 11246 as revised by Executive Order 11375 prohibits employment discrimination by recipients of federal contracts.
- (2) Revised Order 4 requires that businesses and institutions having federal contracts of \$10,000 or more must develop and implement a written Affirmative Action plan.

For purposes of these Executive Orders, grants are included in the term "contracts" (11). Since this district receives grants totalling in the millions of dollars, we must by law maintain such a written plan. The Office for Civil Rights in the Department of Health, Education, and Welfare has responsibility for conducting compliance reviews of institutions of higher education. A compliance review involves examination of the institution's

2 Other related legislation and court decisions are reviewed in Appendix B.

personnel practices, including general statistical data and specific individual records (13:I 3). The review may be made on ten day's notice to the institution, and may originate from a general review of a geographical area, or from a specific complaint. If non-compliance is determined, the law requires that attempts to achieve voluntary compliance must be exhausted before formal enforcement actions, i.e., cut-off of federal funds, are invoked (12:12). However, the offending institution can be required to develop a plan within the very limited time period of three to four months. This would be extremely difficult, as other districts have found that such a plan required at least a year for development.

- IV. Guidelines for Development. Minimally, to develop a plan, Office for Civil Rights guidelines state that an executive of the contractor should be given the necessary top management support and staffing to execute the assignment (12:15). This should be a person knowledgeable of and sensitive to the problems of women and minority groups. Depending upon the size of the institution, this may be his or her sole responsibility, and necessary authority and staff should be **provided** the position to ensure the proper implementation of the program. Additionally, the Office for Civil Rights and the Equal Educational Opportunities Commission urge that administrators involve members of their faculties, supervisory personnel, and representative members of the community in all aspects of the program (13:5). A number of districts have successfully established faculty or joint faculty-staff advisory committees or task forces to assist in the preparation and administration of its Affirmative Action obligations. Particular attention should be given to the need to bring into the deliberative and decision-making process **persons both within and outside of the academic community who have knowledge of and a responsibility in personnel matters**. Most institutions that we have contacted have such committees (See Section VII of this report).

V. Required Content of Plan. The following elements of an Affirmative Action plan are written into law and supplemented in detail by guidelines published by the Office for Civil Rights (13):

1. Policy Statement. This is a statement adopted by the Board of Trustees to affirm commitment to equal employment opportunities. The statement should authorize development and implementation of a plan.
2. Utilization Analyses. An analysis of all major job classifications should be conducted to determine whether there are fewer minorities and women in a particular job classification than would reasonably be expected by their availability. This analysis is extremely detailed and thorough.
3. Establishment of Goals, Timetables and Methods. Goals are projected levels of implementation resulting from a personnel analysis of the district and a study of what can reasonably be done to remedy any deficiencies that may be found, given the availability of qualified and qualifiable minorities and women and expected turnover in the work force. (5:9). Methods to achieve goals may include:
 - a. Development of reporting procedures to assist in the identification of problems and to recommend solutions for overcoming deficiencies.
 - b. Provision of guidance to central office personnel and college administrators and staff.
 - c. Maintenance of an active file of information on agencies, organizations and academic institutions involved in the training of qualified and qualifiable minority and female personnel.

- d. Development and implementation of training programs to prepare minority persons and women for employment and upward mobility throughout the system. (This would be included in the Staff Development programs equally available to all employees. See Part VI, page 6).
 - e. Provision to the Board of Trustees and Chancellor of an annual report of the racial, ethnic and sexual composition of employees in the district and of the progress of the program.
 - f. Systematic and specific review of the special skills, qualifications, and abilities of present minority and women employees in order to determine the possibility of upgrading or lateral movement into other job classifications.
4. Review of Personnel Practices and Development of Improved Procedures.
- This would include assessment of all the following:
- a. Job standards requirements.
 - b. Validation of tests.
 - c. Recruitment.
 - d. Employment manuals and forms.
 - e. Employee selection.
 - f. Compensation.
 - g. Promotion
 - h. Transfers.
 - i. Assignments and workloads.
 - j. Tenure and retention.
5. Publicity. Public dissemination through many varied channels of

the district's commitment to equal employment opportunity should be aggressive and should include:

- a. Liaison with community groups, recruitment sources, minority organizations and educational institutions.
- b. Meetings with all administrative, teaching, and support staff personnel to explain the Affirmative Action and Staff Development program as well as individual responsibility for effective implementation, making clear the commitment of the Board of Trustees and the Chancellor.
- c. Inclusion of a special condition requiring all persons vendors, firms, and corporations supplying goods, material, equipment or services of any kind to school districts, to certify that each, as a contractor with the district, is an equal opportunity employer and has made a good-faith effort to improve minority and women representation in employment.

VI. Other Affirmative Action Programs. Below is a sampling of existing programs in the State of California. Each program is designed to meet specific needs:

1. Ventura County Community College District (17) has an Affirmative Action program which is approved by its County Counsel and endorsed by the N.A.A.C.P., the Chicano faculties of this district's two campuses, as well as LaRaza Association, the League of Women Voters, and the District Advisory Committee on the Status of Women. In number of faculty, staff, and enrollment, the Ventura District is less than half the size of our district. Their program is implemented by an Affirmative Action office, with a full-time

certificated person and a full-time secretary. The office is directly responsible to the District Superintendent. The written Affirmative Action plan was initially developed by a committee of faculty and community members. Advisory committees continue to meet as necessary.

2. Peralta Community College District (14) with 467 full-time and 490 part-time faculty and staff, and an enrollment of approximately 29,350, has a plan developed and implemented by a committee reporting to the Dean of Educational Services.
3. Los Rios Community College District (10) is in the process of developing and revising their Affirmative Action plan. Their Revised Draft I is particularly interesting as it documents questions, suggestions and objections of various groups within that district, such as the Los Rios Federation of Teachers' objection that ambiguity in language and interpretation is a possible threat to academic freedom.
4. Grossmont Community College (7) has an Affirmative Action plan which was mentioned as exemplary by Dr. Gerald Cresci of the California Community Colleges Chancellor's office. Responsibility for the Affirmative Action program related to certificated personnel has been assigned as the part-time duty of an existing full-time coordinator who reports directly to the President. Responsibility for the Affirmative Action program for classified employees lies with an Affirmative Action coordinator in the Personnel Office. The written Affirmative Action plan was developed by a committee of faculty, staff and community members.
5. The University of Southern California has been continuously developing its Affirmative Action plan over the past few years. U.S.C.'s Affirmative Action officer occupies a full-time management-level position, not necessarily certificated. The Office has a staff of two assistants--one

specialist in minority affairs and one specialist in women's affairs--at a salary of \$12,000 each; three full-time secretaries; and part-time help. Reporting responsibility is directly to the President. (This direct communication with the President has been found to be more effective than a previous responsibility to the Business Vice-President).

6. University of California at Los Angeles (16) has separate Affirmative Action programs and Officers for certificated and classified personnel. The Academic Affirmative Action officer reports to the Executive Vice-Chancellor and the Academic Compliance Committee; the Staff Affirmative Action officer is responsible to the Staff Compliance Committee.

VII. Staff Development. The need for Staff Development, or in-service training, covers a wide range of subjects, including the following:

1. Professional development for both certificated and classified personnel. This would encompass continuing education in subject areas of instruction, teaching methods and materials, counseling and guidance, supervisory, management, technical, and administrative skills. [Some programs of this type for certificated staff are proposed in a recent report of the Office of Instructional Development (6)].
2. Skills improvement for non-management personnel.
3. Programs directly related to Affirmative Action. This would include career counseling for employees, with programs designed to prepare the employee for advancement; programs for those employees who will in effect administer Affirmative Action (supervisors, those who hire, etc.); programs explaining Affirmative Action to all employees and

interested persons, and programs for all employees designed to promote cultural awareness and attitudinal change by presentation and discussion of the history, culture, and current problems of racial and ethnic minorities and women.

4. Development of Administrative Internships. Such a program would offer training positions for those persons capable of administrative work but lacking in prior experience. Particular emphasis would be given to the recruitment of women and persons of minority backgrounds in order to provide an alternate mode of entry into district service, since the current methods of employment testing have not, in many cases, been proven to correlate with subsequent job performance.

VIII. Accreditation Report Recommendations. Although the administration, faculty, and staff in the district office and on the campuses are generally aware of the acute need to establish strong Affirmative Action and Staff Development programs and sporadic efforts have been made, the total effort to date has not been sufficient. This situation was noted in the most recent reports of the Accrediting Commission of the Western Association of Schools and Colleges following site visits to the campuses. Concerning the need for Affirmative Action, the Commission stated in the report for Pierce College that "a well-defined affirmative hiring policy should be developed." (2:12). In their report for West Los Angeles College, the Commission noted that "although Affirmative Action is a concept recognized in spirit with some evidence of implementation, no clear, precise statement of commitment yet exists at the college." (3). Citing the need for a staff-development program, the report for Pierce further recommended that "a clearly-defined, in-service training program for all college personnel working with minority disadvantaged students should be initiated." (2:11).

IX. Recommended Action. In keeping with the unique position, characteristics, and needs of our district, it is proposed that an Office of Human Development be instituted to be concerned with equal employment and educational opportunities for all persons as well as giving special attention to the problem of women and minorities. The goal of this Office would be to maximize mutually beneficial relationships among employer, employees, students and the community with a stress on humanizing personal aspects. Other plans for the Office include:

A. Functions

1. Affirmative Action. An immediate need, of course, is the development and implementation of an Affirmative Action program, including:
 - a. Liaison with and involvement of faculty, staff, student, and community groups.
 - b. Review of district personnel practices.
 - c. Compilation of district and area statistics for the utilization study required in plan.
 - d. Review of district admissions and instructional practices.
2. Staff Development. All of the Affirmative Action plans previously reviewed at least touch on the need for in-service training. Other districts (1, 18) have found that cooperative planning that is representative of all staff members is essential for a successful Staff Development program. This representation has been achieved both by committees working with a staff-development office and

by proposals from individuals. As an educational institution, we may draw on the expertise of our personnel in the skills and art of instruction. Tasks directed toward Staff Development within the Office of Human Development would therefore encompass the following:

- a. Organization and coordination of committees and other persons with particular expertise in this field.
- b. Informing of all employees of the goals and opportunities for skill training, career and personal development.
- c. Development and maintenance of a resource file from within and outside the district.
- d. Planning, publicizing, and implementation of specific Staff Development programs, such as the administrative internships mentioned in Section VI.
- e. Devising methods of evaluation of staff development programs.
- f. Reporting of activities and achievements in staff development.

3. Reporting Responsibility. It is recommended that the proposed Office of Human Development operate as an independent agency with reporting responsibility at a high level. Since the Executive Vice-Chancellor now has direct communication with both the Personnel Commission and Personnel Operations, the assignment of reporting responsibility of the Office of Human Development to the Executive Vice-Chancellor would enable maximum coordination of common interests of the three units.

4. Staff. It is recommended that the Office of Human Development consist of the following staff with salaries indicated:

<u>Position</u>	<u>Salary</u>
Director of Human Development	\$27,794
Coordinator	17,927
Coordinator	17,927
Secretary	9,035
Intermediate Clerk-Typist	<u>7,670</u>
Total Salaries	\$80,353

5. Budget. It is recommended that the annual budget be allocated as detailed below:

Personnel (as above)	\$80,353
Supplies, Travel, and Mileage	4,000
Staff Development Program Fees (includes consultants and other resource personnel and administrative internships)	50,000 *
Equipment (one year only)	<u>2,500</u>
Total Budget	\$136,853

- * Specific information on the justification of need for necessary Staff Development expenditures is presented on pages 8 - 9 of this report.

APPENDIX A

REFERENCES

REFERENCES

1. A.B.C. Unified School District. Affirmative Action program, 2 February, 1973.
2. Accreditation Commission for Junior Colleges, Western Association of Schools and Colleges. "Review of the Institutional Self-Study Report and the Report of the Evaluation Team." (for Los Angeles Pierce College). 15 November, 1973.
3. Accreditation Commission for Junior Colleges, Western Association of Schools and Colleges. "Review of the Institutional Self-Study Report and the Report of the Evaluation Team." (for West Los Angeles College).
4. Code of Federal Regulations, Title 41, Part 60-2-Affirmative Action programs. Federal Register, 34:234, 1971.
5. Equal Educational Opportunities Commission. "Affirmative Action - A Design to Promote and Improve Minority Hiring Practices." San Francisco, California, 7 June, 1973.
6. Educational Planning and Development, Los Angeles Community College District. "Expanding Horizons '74: A plan for Certified Staff In-Service Education." January 1974.
7. Grossmont College. "Affirmative Action and Equal Opportunity Employment - Your Rights." November 1973.
8. Grossmont College. Affirmative Action program. 9 April, 1973.
9. Holcomb, Hope. "Report on Conference on....Civil Rights Act of 1964..... and Implications of New Legislation on Affirmative Action programs." 1973.
10. Los Rios Community College District. Revised Draft I of Affirmative Action program. July 1973.
11. Office for Civil Rights. "Federal Laws and Regulations Concerning Sex Discrimination in Educational Institutions." U.S. Government Printing Office. 940-214.
12. Office for Civil Rights. "H.E.W. and Civil Rights." D.H.E.W. Publication No. (OCR) 73-1.
13. Office for Civil Rights, Dept. of Health, Education and Welfare. Higher Education Guidelines - Executive Order 11246. U.S. Government Printing Office: 1973 735-686/2105.
14. Peralta Community College District. Basic Affirmative Action plan. 4 June 1973.
15. Title VII of Civil Rights Act of 1964, as amended by Equal Employment Opportunity Act of 1972 (Public Law 92-261).

16. University of California, Los Angeles. Affirmative Action plan. 1973.
17. Ventura County Community College District. Affirmative Action Program Manual. 19 June 1973.
18. De Anza College. "Staff Development at De Anza College." November 1973.
19. Board of Governors of the California Community Colleges. "Affirmative Action," 12 April 1973.
20. Code of Federal Regulations, Title 29, Chapter XIV - Equal Employment Opportunity Commission.
21. Equal Employment Opportunity Commission. "Guidelines on Discrimination because of Sex." U.S. Government Printing Office. 940-312

APPENDIX B

RELATED LEGISLATION AND INTERPRETATIONS

RELATED LEGISLATION AND INTERPRETATIONS

Federal Legislation

Executive Order 11246 as amended by 11375 prohibits recipients of federal contracts from discrimination in employment on the basis of race, color, religion, sex, or national origin. Revised Order No. 4, which supplements and implements Order No. 11246, requires that a contractor maintain a written Affirmative Action plan.

Civil Rights Act of 1964, Title VI prohibits discrimination on the basis of race, color, or national origin (not sex) in federally-assisted programs, by way of grant, loan, or contract (but exempting employment practices except where a primary objective of federal financial assistance is to provide employment).

Civil Rights Act of 1964, Title VII (as amended by The Equal Employment Opportunity Act of 1972) prohibits employment discrimination on the basis of race, color, religion, national origin, or sex. (The Equal Employment Opportunity Act revised Title VII to apply to educational institutions).

Higher Education Act of 1972, Title IX prohibits sex discrimination in federally-assisted educational programs and activities in schools of all types and at all levels. (This Act is patterned after Title VI of the Civil Rights Act; except Title VI does not cover sex discrimination nor employment).

State Legislation

Cal. Ed. Code Section 13274 and 13732 prohibit discrimination on basis of race, color, religious creed or national origin in employment of certificated and non-certificated staff.

Court Interpretations

Griggs vs. Duke Power Company. "It is not enough for a company to show that there is not intent to discriminate. If the policies which they have been pursuing have the effect of discriminating, regardless of their intent, they are unlawful under Title VII of the Civil Rights Act Complaints can be brought by other than those suffering discrimination."

Penn v. Stumpf, 308 F. Supp. 1238 (N.D. Calif. 1970): Statistical discrepancy in Black percentage of workers and Black percentage in the community held to state a cause of action and provide significant evidence of unlawful discrimination.

Parham v. Southwestern Bell Telephone Co., 433 F. 2d 421 (8th Cir., 1970): Statistical population discrepancy held, as a matter of law, to establish a violation of Title VII.

Carter v. Gallagher, 452 F. 2d 315 (8th Cir. 1971): Held that statistical

evidence can create a prima facie case of discrimination. (One Black for each two Whites ordered hired by respondent fire department).

United States v. Allen, 4 E.P.D. 5619 (M.D. Ala. 1972): As in Carter v. Gallagher, statistics created a prima facie case. One-for-one hiring of Alabama State troopers and support staff was ordered.

United States v. Ironworkers Local 86, 443 F. 2d 544 (9th Cir. 1971), cert. denied 404 U.S. 984 (Dec. 7, 1971): Statistics created a prima facie case shifting the burden of proof to respondent.

Rowe v. General Motors Corp., 4 E.P.D. 5702 (5th Cir. 1972): Statistics created a prima facie case shifting the burden of proof to respondent.

Joyce v. McCrane, 320 F. Supp. 1284 (1970): Goals for minority hiring not in conflict with preferential treatment section (section 703 (i) of Title VII).

NAACP v. Allen, 4 E.P.D. 7669 (February 10, 1972): Statistical evidence creating presumption of unlawful discrimination in the employment by Alabama Department of Public Safety was so persuasive that court intimated they would not have believed any defense raised. One Black for one White hiring ordered.

Southern Illinois Builders v. Ogilve, 327 SUPP. (1971): Minimum ratios based upon race are constitutional and valid when adopted for affirmative action purposes.

Contractors Association v. Secretary of Labor, 311 F. Supp. 1002 (1970): Preferential hiring does not conflict with Title VII, Section 703(a) based on racial discrimination.

In Coppedge v. Franklin County Board of Education, 273 F. Supp. 289 (U.S.D.C., N.C., 1967) the court held that the defendant Board of Education "shall establish as an ultimate objective that each faculty contain the same approximate percentage of nonwhite teachers as there are in the entire system."

The primary basis for hiring minority personnel is to undo the effects of past discrimination. There are not definite guidelines that are helpful in determining the permissible extent of a stated quota. In cases where there was evidence of past discrimination in hiring which created a racial imbalance, the court ordered integration, but left details of effecting such integration to the element which was responsible for hiring, reserving the right, of course, to review. If a statistical analysis indicated there was discrimination which is now affecting a school system, the district would have a duty to hire more minorities to offset the imbalance.

Particularly pertinent are the findings in United States v. International Brotherhood of Electrical Workers, 28 F. 2d 144 (6th Cir. 1970): "Provisions of the Civil Rights Act against granting preferential treatment under the

Act solely because of an imbalance in racial employment is not a ban on affirmative relief against continuation of effects of past discrimination resulting from present practices which are neutral on their face but which have practical effects of continuing past injustices."

Lee and the United States, et al. v. Macon County Board of Education, et al.
U.S.D.C., M.D. ALA. Circuit Judge Rives, No. 604-E, September 17, 1969____
F. SUPP._____

Pursuant to desegregation order for the Middle District of Alabama, March 22, 1967, the U.S. as plaintiff-intervenor, obtained an order requiring the State to prepare a plan to complete the disestablishment of a dual system of trade schools and junior colleges based on race. The plan subsequently submitted by Alabama was found deficient in three areas by the three-judge court. One of the deficiencies found was that the plan "was lacking in specificity as to when faculties and student bodies would be desegregated so as to eliminate the racial identifiability of the institutions." The court finally called upon HEW to formulate a plan by March 2, 1970, including provisions for "desegregation of the faculties and staffs of these institutions, the adoption of an affirmative program of minority race recruitment."

Public Schools, North Carolina (4th Circuit), Court of Appeals on January 19, 1970, ordered the Darlington and Greenville County School Districts to submit plans for unitary schools to the federal district court by January 23:

"which must include provisions for integrating the faculties so that the ratio of Negro and White teachers in each school will be approximately the same as the Negro - White faculty ratio in the entire system."

Manning v. Board of Public Instruction, Hillsborough County, 306 F. Supp. 497 (M.D. FLA. Aug. 18, 1969).

The court applied a similar standard as in Lee and the U.S. v. Macon County Board of Education. As to what constituted a "complete elimination of the dual school system," the district court ordered:

"Faculties in all schools are to be biracial in some degree in 1969-70, and to be integrated on a ratio of 82 percent White and 18 percent Negro (the approximate racial ratio of the students in the entire county) in 1970-71."

Williams v. Wyland and Hancock County Board of Education, W. VA., Human Rights Commission. No. PA 23-68, Jan. 14, 1971.

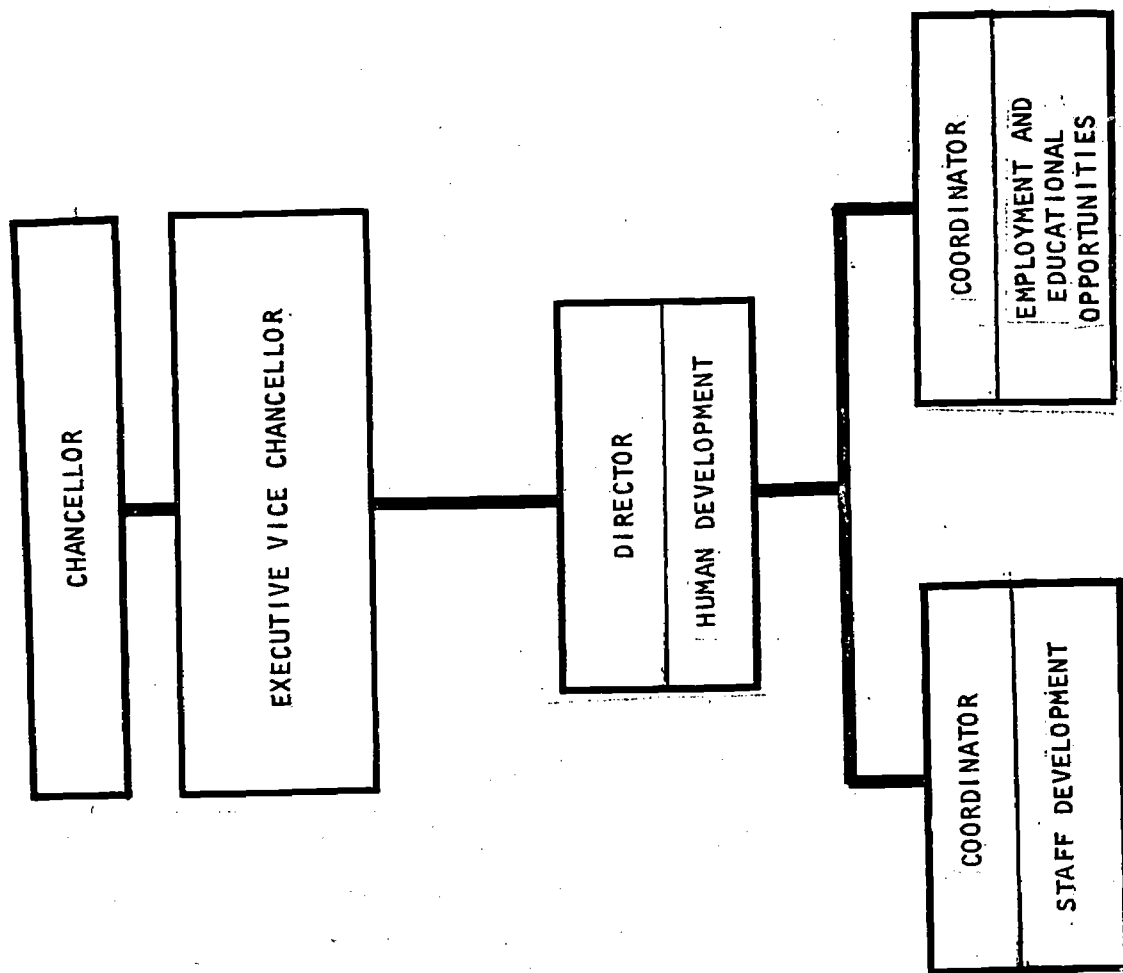
In an unusual type of proceeding, the Hancock County Board of Education was ordered to take action to desegregate its school system. The case marks one of the relatively rare instances in which a school desegregation order was handed down by a state human rights agency rather than a federal court, and in which the decision was based on rights guaranteed by a state civil rights statute rather than the Fourteenth Amendment or federal civil rights legislation. The complaint was filed with the West Virginia

Human Rights Commission by the mother of four Black school children who the board contended that it did not come within the coverage of the state human rights act, since that legislation does not specifically refer to schools or school officials in any of its provisions. However, the commission ruled that under a proper liberal interpretation of the act, the board fell within the statutory definition of an "employer" and the school system fell within the definition of a "place of public accommodation." The evidence established that the Black students and teachers in the county, who constituted less than 5 percent of the total student population and less than 4 percent of the teaching personnel, were heavily concentrated in one school; that the student bodies and faculties in the other elementary schools were very predominantly White; that White students from White residential areas near the Black area in which the plaintiff lived were assigned to a White school and bused past the Black school to reach their school; and that the board had made no affirmative attempts to recruit Black teachers. The commission determined the board was guilty of "denying . . . Black students of Hancock County accommodations, advantages, facilities, privileges and services of the school system," in violation of the human rights act. Consequently, the board was ordered to cease discriminatory student assignment practices, to pair the predominantly Black elementary school with a predominantly White school located in the same part of the county, to cease establishing special education classes at the Black school, to take affirmative steps to recruit Black teachers, administrators and nonteaching personnel, and to file annual reports with the commission showing the racial composition of the faculties and administrative staffs of the various schools.

U.S. Justice Department filed against the Watson Chapel School District, State of Arkansas, in the Western District Federal Court on July 9, 1970.

The evidence indicated that the school district, which had a public school population of about 4,900 students, of whom about 55 percent were White, had been operating on a freedom-of-choice plan which had produced only limited desegregation in the six-school system. The Black elementary and high school complex continued to have only Black students enrolled, and one small rural elementary school had only White students, while two formerly all-White elementary schools and a formerly all-White high school still had very predominantly White student bodies. Three White teachers were assigned to the Black schools and one Black teacher was teaching in a predominantly White school. Judge Harris ordered the board to submit a plan for disestablishing the dual school system; but plans submitted on August 26 and October 16 involving attendance zoning based on the neighborhood school concept were ruled to be insufficient to meet constitutional requirements. In compliance with an earlier directive of the court, H.E.W. officials had filed two desegregation proposals, and on November 17, Judge Harris entered an order approving one of these plans as being "educationally, administratively and economically sound and feasible" as a means of eliminating the dual system. The board was ordered to implement the plan by the beginning of the second semester on January 18, 1971. Under it, the rural elementary school is to be continued for all students in grades 1 to 4 residing in the community in which it is located, with a projected enrollment of 75 Whites and 25 Blacks; the two predominantly White elementary schools are

also to be operated for students in grades 1 to 4, each with its own geographical attendance zone; all students in grades 5 to 8 are to be assigned to the complex which housed the Black schools; and all students in grades 9 to 12 are to be assigned to the formerly White junior-senior high school. Under H.E.W. projections, the enrollments in the latter four schools would range from 53 to 56 percent White. The district court's order also required: that faculty and staff assignments be made so that the racial ratio of teachers and staff members in each school is approximately the same as in the entire school system; that no classroom or extracurricular activities be conducted on a segregated basis or in a manner which would exclude participation because of race; and that school construction, consolidation, and site selection be carried out in a manner designed to prevent recurrence of the dual school structure.



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MAY 3 1974

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